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ABSTRACT

Conditional deregulation of the New York City (New York) public schools would balance the freedom that school principals need with the accountability that the public has a right to expect. Accountability for student achievement is the missing component in the operation of New York City schools. However, the web of New York State regulations, mandates, contracts, and categorical programs intended to guarantee certain educational outcomes and minimize abuse has deprived principals of the ability to influence their schools. Administrators cannot be held accountable for what they do not control. The first step in conditional deregulation involves the State setting unique performance targets for each of the City's 1,000 schools. Schools that had not met their targets after a review process would either have their principal replaced, or be de-certified and reorganized. Features of conditional deregulation would be the following: (1) negotiated performance targets; (2) flexible compliance; (3) lump sum budgets; (4) teacher contract waivers; and (5) additional personnel. Teacher participation would be required in all phases of the process. Statistical data are included on two graphs. A flow chart illustrating the conditional deregulation process is also included. The appendices comprise the following: (1) a list of selected performance targets with an explanation of how state responsibility and local control would be reconciled; (2) an outline of the process of implementing conditional deregulation; and (3) a list of groups consulted. (FMW)

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CREATING FREEDOM AND ACCOUNTABILITY

IN SCHOOL LEADERSHIP

The Report of the New York State Board of Regents Committee on the New York City Schools

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October 10, 1988

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EXECUTIVE SUMMARY

The committee was asked to recommend changes in governance, finance and administration with respect to New York City public schools. We have identified accountability for student achievement as the missing ingredient in school leadership. The current web of regulations, mandates, contracts, and categorical programs is intended to guarantee certain outcomes and to minimize abuse. Unfortunately, a major effect of those constraints is to deprive administrators of the ability to steer or influence their organizations and thus they cannot now be fairly held accountable for what they do not control.

The committee recommends implementation of "conditional deregulation" which, we believe, will balance the freedom schools need to do their work with the accountability the public has a right to expect of its schools.

The first step in conditional deregulation involves the State setting unique performance targets for each of the City's 1,000 schools. Those targets would focus on basic skills and be higher than current performance. Schools could achieve those performance targets through the current relationship (monitoring plus technical assistance) or they could opt into conditional deregulation.

At the end of two years, each school's performance would be reviewed. Those that fell short would have an additional probationary year. If at the end of the third year, the school remained short of its targets, New York City authorities would have two options: (a) replace the principal or (b) State de-certification of the school followed by re-organization.

Schools that opted for conditional deregulation would have five sorts of resources.

(1) Negotiated performance targets. These schools may negotiate the basic skills performance targets and may also include other, locally determined, student achievement areas and organizational objectives. In setting goals, as in all other areas, the Committee strongly encourages maximum teacher involvement.

(2) Flexible compliance. State regulations, mandates, and reporting requirements would be simplified or relaxed.

(3) Lump sump budgets. Parts of existing categorical budgets would be combined as block grants and delivered to schools.

(4) Contract waivers. With support from 75 percent of the bargaining unit members, important aspects of the teacher contract can be set aside.

(5) Additional personnel. The SED and the City's Central Office would contribute personnel to a pool of decentralized, capacity-building (not monitoring) positions reserved for schools participating in conditional deregulation.

Our recommendations come at a time when the Regents are considering important changes in State aid, school registration, and the teaching professions. The Committee is enthusiastic about the prospects of improvement and convinced that substantial change will be required to make a difference in the City's schools. The piecemeal or pilot adoption of our recommendations will not help. Linked to the other improvements already being considered by the Regents, we have a chance at major gains for New York City.

Conditional deregulation makes school-site decision-making real and encourages a variety of new structures including teacher-administrator teams. The committee strongly recommends widespread involvement of all the school's stakeholders in developing the school's goals and the process for meeting those goals. Teacher participation can be helpful in many areas especially in determining how goals are best realized (for example, which aspects of classroom instruction need what specific improvements).

The committee's strategy features the leadership responsibility and accountability of principals. Their experience, training and legal position suggest that they should be the focus of our recommendations. But teachers are also professionals with much to contribute. They are included in every aspect of these recommendations including the second remedy for a school that falls short--school reorganization.

Our recommendations support Chancellor Green's initiatives with respect to a smaller central bureaucracy, more authority and accountability at the building level, broader measures for school performance, and flexibility in assigning building principals. It locates the authority to make decisions close to children and classrooms. Conditional deregulation makes a school's performance the clear and enforceable responsibility of its leadership. It links either the privilege of continuing as the leader of a particular school or the continuation of the school itself to the outcomes of that school. And it makes principals, school staff, community boards, the Board of Education, and the Chancellor answerable for those outcomes. The schooling accomplishments of students are, after all, their public trust.

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PREFACE

The Committee first met in February 1988 after having been appointed by Chancellor Barell and Commissioner Sobol. Our charge reflected the deep concern of the Regents and the Commissioner for school improvement in New York City. We were asked to advise the Regents on three aspects of the State's role in New York City--governance, finance, and administration--with particular reference to the school level. Other groups had concentrated on teaching, on community boards, and prospectively, on the effectiveness of decentralization.

The Committee was asked to build its recommendations not on original research but on the already available evidence about New York's schools. In that regard, a team from the State Department identified and synthesized over 400 documents dealing with New York City's public schools.

In early drafts describing "Initiatives for School Improvement in New York City: A Comprehensive Plan," SED staff had identified two priority "focus areas"--"restructuring the schools" and the "management of individual school buildings and of community school districts." The Committee's deliberations led it to a similar conclusion about the centrality of school administration and the possibility of fostering school restructuring through changes in administrative relationships.

We sought to fashion recommendations that could be implemented without new money or new legislation. The Committee yields to no one in its conviction that New York's schools deserve more financial support. We cannot have the world's pre-eminent public schools in dilapidated buildings, with materials and techniques so outmoded no company would consider using them for employee training. Changing those conditions costs money--and failing to change them

will cost even more in the welfare dependency and foregone productivity of a permanent underclass produced by undereducation. And, just as we recommend more State aid to New York City's schools, we are aware that the State legislature will need to change the authority it vests in the various jurisdictions now responsible for school. But while we are convinced of the importance of more money and legislative changes, our sense of urgency has impelled us to make practical recommendations for immediate action.

We began our work with an initial round of meetings with key members of the City's educational community and some limited school visits. Groups not represented in those meetings were sought out by staff.

The Committee has functioned as a design team, not as an implementation group. Bringing conditional deregulation to fruition will require extended consultation and detailed planning that goes beyond our charge. This report diagnoses the problems, especially, of administration and governance and outlines a concrete plan which we believe will yield major improvement. That work requires the authority and resources of the State's official actors--chief among them, the Regents, the Commissioner and the Chancellor.

The Committee expresses its appreciation to Chancellor Barell and Commissioner Sobol who have been supportive without being directive, a combination that may be a happy precedent.

I. THE NEED TO IMPROVE NEW YORK CITY'S PUBLIC SCHOOLS

The numbers no longer shock. Dropouts, reading scores, graduates who are nonetheless illiterate, students who can't compute or read directions or alphabetize a list. It has all been documented and yet the outcomes stay about the same, basically unimproved and even more basically not good enough.

Public school educators try very hard to do their jobs and the system has failed. Both things are true. More success depends on changing a system that fails too many children and youth. New York can be, but is not, the world's pre-eminent urban public school system.

For those of us who respect the schools' efforts and appreciate the importance of the public schools, calling attention to their failure is painful. Some do that to locate blame. We mean to measure the need for improvement. Unless we understand how far New York's schools are from the educational system that will support the economy of the 21st century and the polity of the future, we will have no way to judge the size of the necessary reform agenda. New York is astonishingly diverse and so are its schools. Some can match the best education available anywhere. While we celebrate the accomplishments of some schools, we must also take an unflinching look at what needs to be changed. The current system accommodates itself to far more failure than the future of the City can absorb.

Whether the City's schools are better or worse than they were at some point in the past misses the far more relevant question--are they good enough for the future? Our answer is NO. Society has changed and schools have not. Before World War II, half of America's high school students

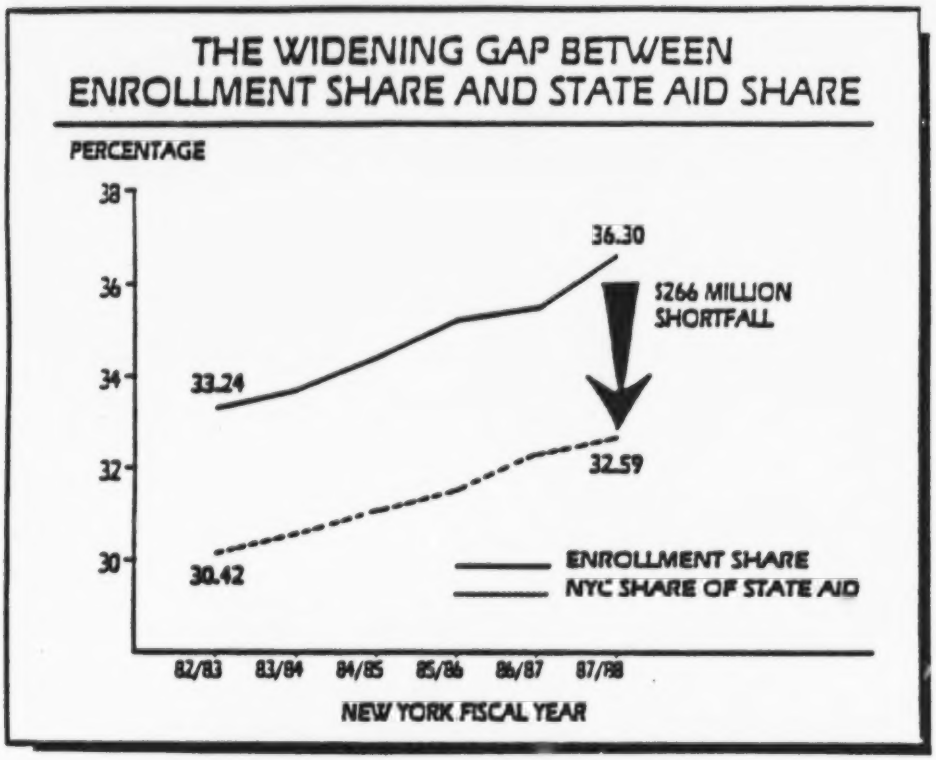
dropped out but they were still able to find jobs in that less demanding economy. Today, each 1,000 dropouts cost taxpayers $12 billion a year (half in wages and productivity they will not earn, half in costs for crime and income maintenance and health and housing they will consume). Someone who is barely literate can fix a lawn mower but not a mainframe computer. Fast food jobs serve some purposes but getting beyond that requires more than basic literacy. The City's ability to compete against money centers in Tokyo and London and Frankfurt requires that schools produce creative thinkers, hard workers, risk takers, and multi-lingual graduates. The demands of a service economy, an information society, a post-industrial world, a global village--all demand a new sort of schooling capability. Society has changed and schools have not.

If the first premise of our recommendations is the need for change, the second is the hope for improvement. Pedagogy has never been more powerful, the business and political communities have seldom been so attentive, and new leadership at the City and State provides a fulcrum for improvement.

But where to begin? More money is one answer and the Committee supports that. We believe that New York deserves a fair share of State Aid.

Insert Figure 1

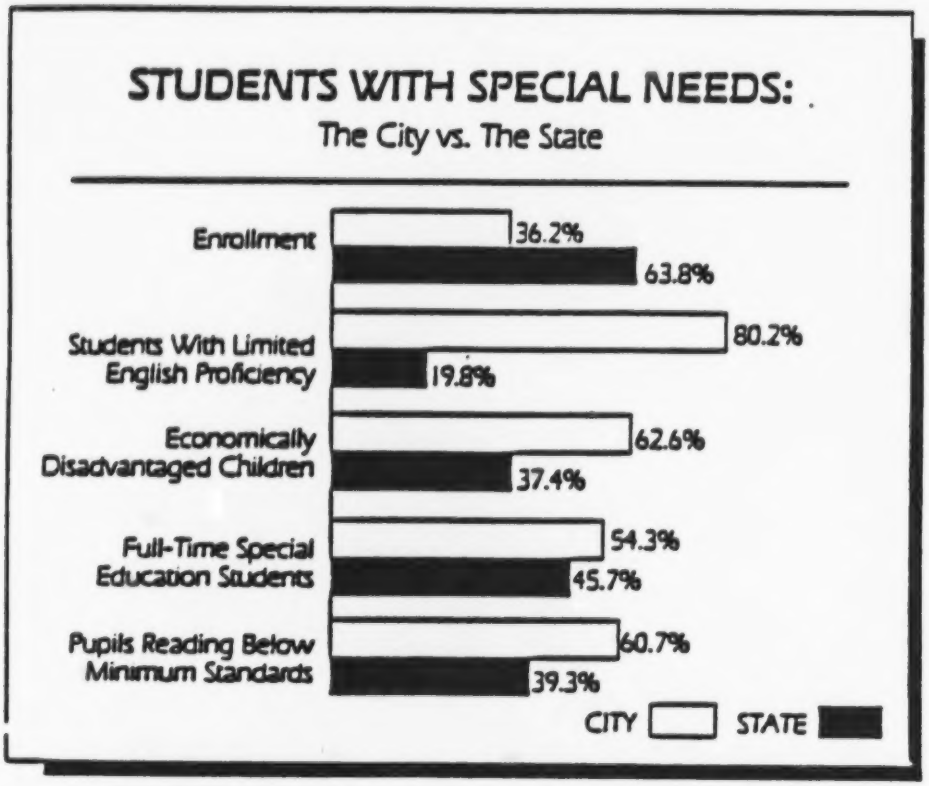
Figure 1



From the United Federation of Teachers State Aid Report 1988/89
260 Park Avenue South, New York, N.Y. 100100.

The United Federation of Teachers finds that "New York City educates 36.3 percent of the State's students, but it receives only 32.6 percent of state aid to education. We believe that "fair" means larger because of two things--the preponderance of students with special needs enrolled here and the City's role in fueling the regional economy. Because a higher percentage of New York City's children are more expensive to educate and because the price of not doing that is so high, we support increases in State aid to the City.

Figure 2



From the United Federation of Teachers State Aid Report 1988/89
260 Park Avenue South, New York, N.Y. 100100.

We also believe that there are important gains that can be realized by re-deploying existing resources. The State has a budget shortfall but that is no excuse for not taking steps that can improve schooling within existing resources. The Committee began its work at a time when Mayor Koch was actively seeking more State aid for the City's schools. Since, Chancellor Green has joined the quest and the Salerno Commission is examining the amounts and procedures of State aid to the City. We support those efforts. We also believe that important gains can be achieved within existing resources. And, we reject the position of some who assert that

they can only do better if they have more money. Failing to implement reform because of a lack of new money holds another generation of children hostage to a more generous public. Money is important but so is the will to make other changes. The Committee's recommendations are focussed on a single but pivotal area--school leadership.

II. SCHOOL BUILDINGS AS THE PIVOT OF ACTION AND THE PRINCIPAL AS THE CENTER OF RESPONSIBILITY

What students experience in the school building determines the quality of their education. Of course young people also learn from the TV, their friends, their families, their neighborhoods. Those influences are important but less accessible to public policy than the school. We can't legislate drugs out of existence, mandate respect for authority or require that the TV can be turned off. But we can and do affect the quality of the public institution responsible for teaching and learning--the school.

The school is also widely recognized as the place where policy gets real. District offices, Central Office officials, even the Regents must rely on people at the "service delivery" level to implement their policies and, just as policemen determine the street-level meaning of Supreme Court dicta, so do principals and teachers shape policy as they work their classrooms.

Schools can make a difference. There is now a substantial body of empirical evidence and practical understanding that documents the ability of some urban schools to help all children learn. Effective schools, effective teaching, outcomes-based education, mastery learning, instrumental enrichment, accelerated schooling--all point at the difference that schools

can make. Some of the City's most successful schools function in spite of the appalling circumstances in which some children live. But the sharp distinction between the most and least effective schools is yet another sign of the need for reform.

The schools that are central to the lives of New York's children are complex institutions. Guidance counselors, specialists, clerks, lunchroom aides, teachers, paraprofessionals, supervisors, custodians, administrators are all a part of the school. The State now conducts pupil-by-pupil reviews of teachers' plans for each special education student, sends officials to take the temperature of the cafeteria steam table, and has auditors reconstruct minute financial transactions. The City does the same, district offices require their own monitoring and reports.

This is not an argument against public responsibility. Paperwork is one engine of accountability between schools and the publics they serve. But there is also such a thing as micro-management. It is neither logistically feasible nor practically desirable to attempt to control every function, every specialization, every action in schools. Yet, the cumulative weight of all the bureaucracies has done virtually that.

Organizations work best when production decisions are made responsibly and close to where the work occurs. The best systems balance accountability for results with proximity to production. Allowing teachers to make all decisions about what to teach and how to teach it satisfies one of the principles--proximity. They are with the students all day, every day. We need their insight into why children learn and why not. And we need to find additional ways to include teachers in school decision making.

But public schools are too important not also to be run responsibly, that is, with a strong measure of accountability for results. Only the Chancellor and the community superintendents must continuously satisfy public authorities.* The Committee's recommendations for conditional deregulation extend that responsibility to building principals. We believe it is unreasonable to hold school administrators accountable for outcomes as long as they have so little discretion and control over their buildings. Our proposals give them the tools necessary to succeed coupled to personal and professional consequences. Conditional deregulation locates accountability where both management principles intersect--near children, close to teachers and classrooms, but also where top decision makers will experience the consequences (good or bad) of those decisions.

While the Committee emphasizes the accountability of principals, we have also included attention to teachers. Some buildings are already run as de factor collaboratives between the administration and the union. As teacher empowerment grows, more will be. We are so convinced of the value of teacher participation that we have built their involvement into every step of our recommendations. And, since we believe that all professionals in the public service should be responsible for their decisions, we have included a dimension of accountability for teachers as well as for principals.

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*Teachers and principals can be removed "for cause" and thus are subject to an amount of accountability. But it is "worst case" accountability exercisable only in dramatic circumstances. The proof of that is (a) in the tiny numbers of teachers or principals removed each year compared to (b) the fact that the system has failed. The lack of accountability is one part of a failed system. The current arrangements have not resulted in day-to-day responsibility for achievement.

The Committee believes that school administrators are the first place to focus responsibility, resources, and accountability. The State Education Code establishes principals as the "responsible head of the school." A body of research supports the critical role of leadership--especially administrative leadership--in initiating improvement. While implementing change is the whole school's responsibility, starting it is centered on administrators. The State of New York certifies administrators and the City licenses them, they act "with color of law." All principals have been teachers. The public pays approximately $300 million a year to 4300 employees for administrative leadership.* Their public responsibility, experience, authorization, and compensation makes them more accessible to State influence than, say, parents.

III. THE NUMBER ONE PROBLEM: ACCOUNTABILITY FOR STUDENT ACHIEVEMENT

Public schools have had principals for 100 years. What is the problem of school leadership?

Our answer identifies accountability for achievement. David Kearns, the chairman and CEO of Xerox, has remarked that education "...is the only profession I know of that if you do well, nothing good happens to you, and if you do poorly, nothing bad happens to you" (David T. Kearns, "An Education Recovery Plan for America," Phi Delta Kappan, April 1988, v. 69, n. 8, p. 569). A New York observer has remarked, "Local school accountability

*Number of pedagogical administrators provided by the NYC Board of Education, Division of Human Resource Systems. The $300 million was calculated by multiplying the approximate number of employees in each position by the middle-level salary step for that position.

is perhaps the most important and least effective part of our system." Anyone dissatisfied with the outcomes of New York's schools can test that conclusion by asking any Board employee, "Why are scores so low and dropout rates so high?" When we asked those questions, everyone said that they wanted to do better but immediately added at least one but more often several of the following explanations:

...The State legislature discriminates against the City's schools.

...The State Department of Education expects less performance and provides less help to the City's schools than to others in the State.

...The Mayor controls the lay Board of Education and a large fraction of the schools' budget while denying responsibility for outcomes.

...The Chancellor presides over hundreds of entrenched programs but has little real ability to influence community boards, superintendents, principals and teachers.

...The Livingston Street bureaucracy mires itself and others in minutiae.

...Community boards treat schools as patronage events.

...District superintendents are caught between the Central Board that provides budgets and personnel and their community board that continues their employment.

...Principals are pingponged among the union, their community boards, superintendents, categorical program restrictions, and parents.

...Teachers lack the resources to support the best teaching and are protected by a powerful union.

All of those are painfully true from someone's perspective. Where everyone can blame the results on someone else, there is no responsibility. Accountability has become a circle of pointing fingers. Combined with the everyday toughness of keeping school in New York City, the result is educational gridlock.

But we designed it that way. The trustees of the Public Education Association took a year-long look at decentralization in New York City and

concluded that the law had "...distributed limited and overlapping powers that diffused authority and blurred accountability" (PEA, "Governing the New York City Schools," February 1987, p. v). There are no villains but neither is the sum of each group's predictable pursuit of its own interests adding up to a strong public school system.

We believe that re-structuring administration through conditional deregulation will make real improvement in New York schooling.

IV. STRATEGIC CHOICES

The State and the City have three available options: more controls, fewer controls, or a new balance. The "right answer" is not at all obvious. Many states have used "empowerment" to justify deregulation but then failed to attach any rewards or consequences to that new freedom. Contrarily, the flood of mandated curriculum and other requirements--what has been called, "the lust to legislate learning"--is an attempt to force improvement with little attention to the unintended consequences. No jurisdiction has sought the balance of freedom with responsibility that is the animating force behind our recommendations.

(1) Tighter controls: Dismay at the outcomes of schooling is widely shared, especially among those who hire graduates or seek educated consumers. It is an easy leap to imagine that if schools are not working well then school people are not working hard or at the right things. Attempts to force them to behave differently stem from a genuine desire for improvement in say, civics education, or bicycle safety, or bilingual instruction.

In the last four years, the Legislature has dramatically increased State aid to schools include thirty-four (34) new programs, virtually all of them categorical.

Insert Figure 3

The State Education Department identifies another nine programs that are used to help New York City.

35. The Science and Technology Entry Program
36. The Adolescent Vocational Exploration Program
37. Experimental Prekindergarten Programs
38. The Comprehensive Instructional Management System Program
39. The Transferring Success Program
40. The Teacher Opportunity Corps
41. Teachers Resource and Computer Training Centers
42. The Technology Network Ties/Student Information System
43. The Attendance Improvement/Dropout Prevention Program

Each of those programs addresses a problem about which some people feel passionately, so passionately in fact that they are willing to try to force very particular actions in pursuit of its solution. But, just as we understand the case for any individual program, we must also appreciate the cumulative weight of all 40-plus categorical programs on the school as a whole. Tighter controls (categorical programs, mandates, rules, regulations, court orders, reporting requirements, compliance reviews, audits) can be justified where unfettered choice has led to bad results. The civil rights arena is the best example, special education is another.

But in more ordinary situations, 15 years of research on the implementation of policy has documented the power of the school culture. Auditors come and go: school endures. Specialists are paid from earmarked budgets

Figure 3: Programs Added Since 1984-5

Program	Projected School Year 1988-89 Funding
1. Apprenticeship Related and Supplemental Instruction Program	$ 2,300,000
2. Declassification Support Services Aid	1,548,000
3. Early Grade Intervention (Big 5)	13,719,000
4. Educationally Related Support Services Aid	14,130,000
5. Excellence in Teaching (District) (BOCES)	157,390,000
6. Incarcerated Youth	5,000,000
7. Library Materials	6,120,000
8. Nonpublic Student Remedial Support Services Aid	11,500,000
9. Pupils with Compensatory Educational Needs	40,412,000
10. Speech Therapy Program	4,716,000
11. Summer School Program for Handicapped Children	52,430,000
12. Supplemental Support Aid	402,091,000
13. Urban-Suburban Voluntary Transfer Program	1,340,000
14. Vocational Education Equipment Aid	5,913,000
15. Acquired Immune Deficiency Syndrome	1,165,000
16. Adult Literacy Education	3,500,000
17. Asbestos Hazard Abatement	5,000,000
18. Bridge to Employment	500,000
19. Comprehensive School Health Education Demonstration Program	1,250,000
20. Efficiency Study Grant Program	400,000
21. Employer Specific Skills Training Grant	2,000,000
22. Health Education and Services Network Program	800,000
23. Mentor Teacher-Internship Program	10,000,000
24. Parenting Education	1,000,000
25. Rural Dropout Prevention	1,000,000
26. School and Business Alliance	2,000,000
27. Schools As Community Sites	3,000,000
28. School Bus Driver Safety Program	250,000
29. Stay in School Partnership Program	3,500,000
30. Student Information Systems	9,000,000
31. Teacher Summer Business Training and Employment Program	4,400,000
32. Technologies Network Ties	5,000,000
33. Workplace Literacy	2,000,000
34. Youth at Risk	14,000,000
Total	$ 788,374,000

(Source: NYSED, Memo to the Board of Regents, "Board of Regents and State Education Department Efforts to Improve New York City Public Schools, 1977-88," May 12, 1988, pp. 18-19)

and their time is duly reported: what happens behind the closed classroom door may be altogether different. Streetwise administrators know about superficial compliance and selective enforcement. Local circumstances ("this neighborhood," "these teachers") nearly always constitute a compelling defense against tighter controls. And, where categorical programs must be complied with, the result is sometimes unfortunate. The New York City Board of Education's Middle School Task Force Report, for example, recommended, "...that schools be allowed to develop an approach that limits the fragmentation resulting from the traditional 'pull-out programs' now funded by categorical aid. Schools must be given the flexibility to provide integrated services for targeted students..." (1988, p. 37).

A mammoth system, plus tenure, plus union protection, and an uncertain technology combine to make the school building impregnable against other bureaucracies.

One response to the frustration has been to tighten controls, regulate more, audit more. But schools have their own counter-measures against escalation. More threats have not led to more outcomes but to better bunkers.

Most people share the goals that prompt the tighter control response. It is not that we disagree with the intentions. It is only that the strategy is so often used with so little success. The second strategy takes an opposite tack.

(2) Fewer controls: In schooling the most common application has been to teachers, a group whose isolation and sometimes subjugation has diminished the contributions of knowledgeable and dedicated people. Teacher "empowerment" began with collective bargaining and is now reinforced by a

drive for teacher professionalism, e.g., control over working conditions, determination of curriculum, autonomy in selecting the methods of instruction, etc.

There is no substitute for a working understanding of how kids learn and, maybe even more important, why they don't. Traditional school administration has been weakened because teachers were not full participants and teachers have been impoverished by not being part of that experience. The same can be said, in New York City, of the school building and its administrative leadership. Recall the circumstances described earlier--building principals cannot be held accountable for what they do not control and they control relatively little of the organization for which they are nominally responsible. We ask school principals to lead and then we hobble them.

The Committee is not endorsing radical decentralization in which 1,000 buildings would determine their own goals in isolation. Both the City and the State have larger purposes that must be served. Our proposal seeks to balance some fewer controls, some more freedom with real accountability for results. Neither freedom nor accountability exist in the current structure. Both must be created.

V. "CONDITIONAL DEREGULATION"

(A) A Plan for State Leadership in Support of Student Achievement Accountability in New York City

The number one problem of governance and administration is that the current arrangements have not produced a quality school system that helps all children develop their academic, vocational, and social potentials.

There are many explanations for that and a number of initiatives are underway. We believe that the major missing element is professional accountability for results.

New York City's public schools must struggle in a system that has divided power into tiny, insufficient fragments--the truth of that is in the common observation that "good principals (or teachers) succeed in spite of the system."

Accountability presumes the chance to effect the things about which the professional is judged. To minimize the abuse from any group or individual, we have denied those who are nominally responsible for schools the authority necessary to do their work, and we judge that work by standards imposed without their participation. Principals have to weave through categorical programs, mandated curricula, and contractual obligations on their way to minimum standards that are set by someone else--and then waived.

The option of conditional deregulation would involve principals and teachers in setting goals and provide them additional resources at the same time that they have accepted a measure of true professional accountability. We believe that conditional deregulation will balance the freedom schools need to do their work with the accountability the public has a right to expect of its schools.

Conditional deregulation would have three components: (1) setting performance targets; (2) providing resources; and (3) acting on results.

(1) Set Performance Targets. The State would identify incremental school performance targets that are higher than each school's current

performance levels and that would be increased at the end of each conditional deregulation period. Targets would vary by school. Schools in conditional deregulation would have a chance to negotiate these targets with the State.

Those targets would be calculated for and applied to all New York City schools (including high schools and special education students under the jurisdiction of the building principal). They would supplement, not replace existing minimum standards. These targets would continue the current emphasis on basic skills acquisition, high school completion rates, RCT's, etc. Achievement indicators in those domains would be derived from the measurement devices now being used. But the expected and acceptable achievement levels would be different from the current minimum standards or reference points. While the official minimum standards would be left in place, performance targets for some schools would be increments toward those minimums. For other schools, the performance targets would be higher and aimed at achieving excellence. (For a discussion of the performance targets, see Appendix A.)

School principals* operating under conditional deregulation would reach an agreement with the State on the level and mix of targets after preliminary consultations with their school staff and community, community superintendents, and school boards. For other schools, the targets would be determined by the State.

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*Throughout this report, we refer to the school principal as acting for the school although in many instances, action would come only after extensive consultation, involvement, and even negotiation with parents, teachers, and others. As much as we wish to maximize that additional involvement, we are also aware that when everyone is responsible, no one is responsible. Our recommendations would continue the current practice of administrator's acting for their school but after strengthened consultation with all relevant parties.

Setting the performance targets can effect how much success or failure there will be. Targets that are too low will lead to trival gains and more cynicism. Erring on the opposite side, too ambitious targets, would artificially and unfairly multiply (apparent) failure. The appropriate level should vary by school in order to recognize the different starting points and different circumstances of schools. While the Committee recommends attention to varying circumstances, it wishes also to emphasize two things: ALL schools can improve; and, the Regents have the right and the obligation to set standards, in this instance performance targets, on behalf of the City's schools.

Once performance targets were set, the principal of each school would become responsible for achieving those targets but each could choose how to do that. In the conventional mode the State would continue its current monitoring-plus-technical assistance. The alternative mode, conditional deregulation, is described below.

(2) Provide Resources. The State would restructure its role by adding an option of conditional deregulation in which principals and the school staff would gain autonomy and five kinds of resources.

A) Negotiated Performance Targets. State targets would emphasize current achievement/measures--tests of basic skills acquisition, high school completion rates, RCT's, etc. Those targets would initially be determined by the State based on a review of each school's performance. Schools in conditional deregulation would have an opportunity to negotiate all of their performance objectives--the basic skills areas initially set by the State plus other student and organizational achievement domains. This protects the school from arbitrary criteria while maximizing school-based initiative.

For example, a school may already have committed itself to a math improvement project and might therefore trade higher math gains for more modest reading achievement over the next two years. The final acceptability of any package of targets will be guaranteed by the public nature of the process--widespread participation, publicly announced targets, and achievement levels initially determined from a base of the school's current performance.

In addition to the initially State-determined basic skills performance targets, conditionally deregulated schools could propose other goals, e.g., school climate, teacher attendance, higher order thinking skills, student portfolios, extra-curricular participation, etc.

The purpose of the negotiation is to allow schools in conditional deregulation an opportunity to participate in setting the goals for which their leader and/or the whole school will be held accountable. The State's assertion of gains in basic areas occurs in a context of attention to local school realities but schools are also encouraged to identify other student and school measures to add to their total performance targets. State resources would be concentrated not on regulating or monitoring but on building new capabilities.

District superintendents and high school borough superintendents would conduct pre-negotiations with the principal of each of their participating schools. Obviously, all the school's stakeholders should be involved--community boards, parents, and teachers. Realism and ownership are benefits of a collaboration process. Principals who arbitrarily determine goals for other people are not likely to succeed. The pre-negotiation process insures that school goals are consonant with those of the parents and staff of the

school and of the community district and helps alert the board and superintendent to the need to support the school during conditional deregulation. Community superintendents should be available to counsel principals during negotiations.

B) Flexible Compliance. State regulations, mandates and reporting/auditing requirements would be relaxed and simplified to the degree possible given legal strictures.

C) Lump sum budgets. Parts of the scores of existing State aid programs would be re-packaged as block grants to create lump sum budgeting discretion at the building level, subject to end use reporting to confirm that it had been spent appropriately.

End use reporting insures that the purposes for which public funds have been appropriated have, in fact, been served. It is a simplified, post hoc certification by the school that its use of public money is consonant with those purposes.

Here, as with flexible compliance, the purpose is to increase goal achievement by giving building principals the authority and responsibility for determining how best to achieve that. The negotiation at the beginning of conditional deregulation and the State's certification of the school at the end of the process (see below) enforce attention to the purposes of regulations and appropriations. Neither the State nor the City can walk away from its obligation to see that program purposes are fulfilled and that money is spent appropriately. Conditional deregulation will require that reporting procedures be greatly simplified and reduced, not abandoned.

D) The State and City would encourage U.F.T. contract waivers. The current teachers contract contains a "school based option" opportunity

which extends important flexibility to the school. If 75 percent of the bargaining unit agrees (and if the Chancellor and Union president concur), then either or both contract provisions or Board regulations may be waived in that school for (a) class size, (b) rotation of assignments or classes, (c) teacher schedules, and (d) rotations of paid coverages.

Conditional deregulation is based on the assumption that good principals know how to motivate teachers, build teams, and guide their whole organizations. There are many techniques available to increase involvement--task groups, constituency-based planning teams, steering committees, advisory groups, and joint or shared decision-making. Since teachers and administrators vary in their enthusiasm for this sort of involvement, and since there are no magic feathers, no silver bullets, the appropriate methods will vary from school to school. Nonetheless, we cannot imagine this succeeding without the active participation of teachers and we are confident that they have ways to insure attention to their interests and their contributions. The contract waiver initiative is a welcome precedent that should be expanded.

E) Additional Personnel. Both the Board of Education and the Albany State Department would decentralize their headquarters on a 5:1 matching basis. 250 Board of Education positions would go to the schools: 50 SED technical assistance positions would move from Albany to New York City. These decentralized positions would be reserved for schools participating in conditional deregulation.

The clock would not start on the two-year period of conditional deregulation until all the promised resources were in place at the school. Thus, conditional deregulation makes the school leadership responsible for

educational outcomes but it also requires that other parties meet their obligations.

(3) Act on Results. School certification by the State would be geared to achieving the performance targets regardless of whether or not the school had participated in conditional deregulation.

The New York State Department of Education now reviews the performance of schools in a variety of ways--it attests to compliance with regulations and laws; it determines eligibility for programs of assistance; it publishes lists of schools above and below State-determined test reference points and puts schools that are deficient (the so-called "CAR schools") into special programs; and, it periodically reviews high schools with the intention of registering them to continue.

As with all states, New York is legally empowered to provide a system of public education and it has chosen to do that by chartering local education agencies to operate schools. Nonetheless, as the practices described above indicate, the State does involve itself in insuring the quality of school building outcomes, and we believe, the inextricable links between the future of the State and the future of the City make it imperative for the State to express an even stronger interest in school building leadership in New York City.

The net effect of current practice plus the shared welfare of the two jurisdictions combine to recommend more attention to individual school building outcomes on the part of the Regents and the State Department of Education. We are aware that the State's school registration process is being re-designed. Our proposal builds on that re-design and recommends the following.

A) For schools that met or exceeded their targets, the State would certify the school, set and/or negotiate new targets, and continue the school in whatever mode it wished.

B) Schools below target would not be certified, would be placed on probation for an additional year and would be monitored more closely.

C) After the probationary year, any school that still fell short of its performance targets (in either the conventional or conditional deregulation modes) would be subject to one of two remedies--new leadership or reorganization--to be selected by New York City authorities (i.e., the community superintendent, the community school board, the City Board of Education, and/or the Chancellor).

1. New Leadership. In current practice, New York City principals who successfully complete a probationary period become tenured not only in that position and rank, but also in the particular building. The committee believes that service as the principal of a building should not be a right conferred for life but rather a privilege earned by continuing leadership. The evidence of that leadership should be, among other things, the achievement of the school's performance targets. Principals taking part in conditional deregulation would have had the autonomy of negotiated performance targets, flexible compliance, lump sum budgets, contract waivers, and additional personnel. Principals in the conventional mode would have been operating under a system which they believed to be preferable.

In either instance, the leader of the school that persistently falls short would be replaced* if that is the remedy chosen by the City's authorities.

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*For principals in the conventional mode, due process safeguards accompanying removal from service in that building include prior notice of performance

2. Reorganization. The second remedy is a reorganization of the entire school. That reorganization might include the creation of mini-schools or "houses"; the introduction of a single school-wide theme; new curriculums; a new administrative team; teachers reassigned and/or re-deployed within the school and/or to other schools; etc. The extent and emphasis of the reorganization would be subject to local determination and City and State approval. Reorganized schools would not be certified until a State-approved plan was in place.

It is sometimes argued that wholesale reorganization and/or closing and re-opening a school punishes the children. We believe that leaving failed schools unimproved punishes the children. We are unwilling to sacrifice the prospect of better schools for children to the job stability of some of the City's educators. Some districts have already closed troubled schools at the end of the year, reorganized them over the summer, and re-opened them in the fall. This plan would encourage more such active leadership.

In both instances--new leadership and reorganization--the choice of remedies would be the responsibility of local officials--the community superintendents, community board, the Board of Education of the City of New York, and/or the Chancellor.

In the worst cases, that choice will have been forced on the City by the State. In a federal system of government, powers are both shared and separated. The City and the State share an interest in school improvement

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targets, technical assistance, and warnings that accompany the review of progress. In conditional deregulation the safeguards are (1) agreed upon performance targets, (2) prior warning (either as a result of interim reports or through the probationary year) and (3) the opportunity to improve performance through additional resources including training and additional personnel.

and will use conditional deregulation to pursue that shared vision. But the State retains a legal responsibility to insure at least the minimum quality of education. The Commissioner already registers high schools and, in connection with the recently proposed "Bill of Rights for Children" (September 9, 1988) has further proposed that the Commissioner have the ability to "direct the district to place...students in an appropriate school setting elsewhere" if all other attempts at meeting "established minimum requirements" have failed (Tom Sobol to Members of the Board of Regents, "What the State Education Department Will Do to Help Secure Children's Educational Rights in the New York City Public Schools," memo, September 12, 1988, p. 3).

NB: The Committee intends that principals be the first line of accountability. Their experience, training, pay, and legal responsibility all make that appropriate. But conditional deregulation involves teachers as full partners in setting goals and implementing improvements. In some few cases, improvement efforts from whatever source may be unavailing and, if responsibility for that shortfall is school wide, then a school reorganization will effect teachers as well. Conditional deregulation asks for leadership first and foremost from principals but it extends participation and accountability to all school professionals.

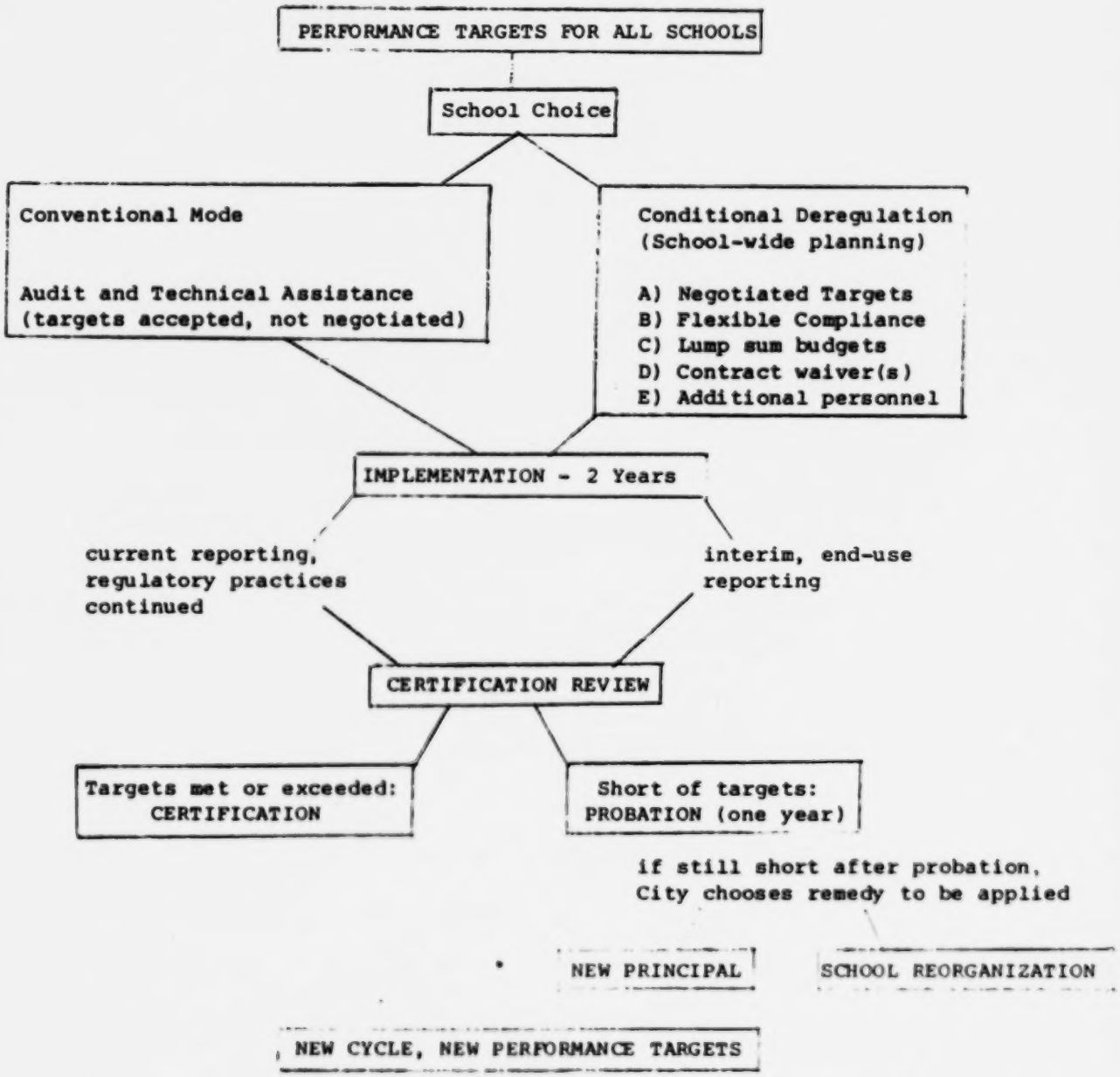
Conditional deregulation is summarized in the following figure.

Insert Figure 4

Figure 4

OVERVIEW OF CONDITIONAL DEREGULATION

Purpose: To increase school achievement in a framework of professional accountability.



(B). The Role of Existing Authorities

Conditional deregulation is designed to augment the existing administrative and governance structures where they are weakest--accountability for results. It does not replace them. In addition to principals, conditional deregulation relies on and strengthens four groups--the Chancellor, the community boards, the community superintendents, and the teachers.

(1) The Chancellor. Dr. Green has written that:

> I am committed.... to reducing significantly the number of Central Staff and redistributing this staff to the schools... and to giving school superintendents, principals, teachers and staff more authority to deliver the best possible education to our students. This delegation of authority will be accompanied by measures to insure accountability throughout the system...

And,

> ...I believe that the flexibility to match a manager's talent to a particular student body should be much more widely available. (from Richard Green, "100 Days")

The City's schools already derive their authority from the State. This plan could make the Chancellor the central figure in implementing a collaborative State/City process that closely follows his own agenda. In "100 Days," Chancellor Green said,

> ...(S)tandards will have to undergo something of a 'metamorphosis.' The driving force behind such accountability must gradually shift from Central administration to each individual school. The evaluative tool, while it must be valid for the system as a whole, should be meaningful to the individual principal and teacher whose performance is under scrutiny. If standards are not significant at this level, we will never achieve enduring progress. (Green, "100 Days," p. 37).

The Chancellor's Commission on Minimum Standards has worked to good effect to produce a richer, more appropriate array of school measurement devices. Their recommended standards go beyond the basic skills and incorporate

qualitative, organizational measures. The Commission wants to recognize both accomplishment measured against fixed criteria and progress toward those goals. Our own recommendations support those of the Chancellor's Commission on Minimum Standards (see Appendix A).

(2) The Community School Boards. School boards have always been responsible for policy determination and that should be continued. They should take part in developing school-by-school targets, they should review progress, and they should participate in applying remedies where necessary. But once performance targets have been set, boards need to shift to another part of their responsibility--support. One premise of conditional deregulation is that, in order for the public to get more accountability for achievement, professionals must have substantial autonomy for work-in-progress. The grant of autonomy is not unlimited but it does mean that during the two-year period of conditional deregulation, boards should facilitate their schools' implementation of agreed-upon plans.

Successful districts have had the benefit of stable boards that set policy and provided support for their administrators' leadership. While aspects of community boards need improvement, community boards in general are not obstacles to better schooling. One area of needed reform deals with eligibility: "School employees and elected officials now hold more than one-quarter of local board seats, in some districts comprising a majority of the board" (Public Education Association, "Governing the New York City Schools," February 1987, p. 17).

The Committee supports the legislative reforms that are now being considered with respect to eligibility for service, methods of election, the introduction of a code of ethics, and expanded training.

(3) Community Superintendents. The best community superintendents are champions of their schools and they will be key to conditional deregulation. Community superintendents have the experience, connections (to both the central office and their own local boards) and the resources (time, position, some money) to help conditional deregulation succeed. They should help determine the performance targets, counsel their principals during negotiations, review progress, and trouble shoot implementation. They are the people with the line authority who ought to know what each school is trying to do and under what circumstances, for example, an unenthusiastic administrative team or a moribund parent association. They should give feedback and help and they should say specifically, "It's OK to redesign this place. Go for it!"

Finally, the community superintendent should be responsible for locally publicizing certification results and for reorganizing schools that have not met their performance targets.

(4) Teachers. School administration has ordinarily been the province of people who are trained, licensed, and hired to discharge that responsibility. The case for teacher participation in school decision making is twofold--educational merit and custom. Teachers are trained and licensed, they have the benefit of daily contact with students, and they are best positioned to know what works and what does not work. Bringing those insights from the classroom level to the whole school is a sound basis for policy. And, when teachers participate in committing themselves and their colleagues to goals and programs, they are far more likely to support the subsequent implementation than would otherwise be the case.

Chancellor Green refers to principals as "leader-facilitators." The phrase conveys the responsibility of the principal to achieve the school's goals by supporting the work of teachers but retains the primary focus of leadership on the duly constituted head of the school--its principal. The Committee's recommendations are clearly within that spirit. Many of the most successful schools have been operated on just such a collegial model and the Committee recommends its widespread adoption. Throughout our work, we have been concerned with balancing two ideas--the freedom professionals deserve to do their work with the accountability for results that the public deserves. For schools that fall chronically short of their agreed performance targets, the second remedy, school reorganization, would affect the teachers and that adds professional accountability for the faculty as well as its leaders.

VI. FOUR HYPOTHETICAL CASES OF CONDITIONAL DEREGULATION

The following cases illustrate some of the ways in which conditional deregulation might work.

WASHINGTON AVENUE ELEMENTARY

Two things stand out about Washington Avenue--the physical plant is among the City's oldest and the scores are among the City's lowest. The school's staff regret the former and regard the latter as inevitable. The principal attributes the low scores to the high Hispanic (Limited English Proficient) enrollment. During the years of her probationary service, she was careful to speak Spanish to the parents and as little as possible to

the teachers. One Spring she forgot to order books* for the next year but no one really minded. The community board tenured her because of ethnic deal-making, the fact that the school was quiet, and a disbelief that "those children" could do any better.

The principal praised the teachers for their hard work (which was true of some) and complained that the tests that put the school on the State's CAR list and at the bottom of the City's "Ranks Report" were unfair, that they did not measure her children's strengths, and that regulations and mandates were keeping the school from doing better.

She would not have opted for conditional deregulation except that her complaints about red tape caused people to ask her if she wasn't going to take part. She also thought she might be removed for failing to hit the assigned performance targets and so she might as well get the extra resources that accompanied conditional deregulation. Finally, the community superintendent pushed her hard to join and promised help.

The package that the superintendent helped her negotiate relaxed several reporting and expenditure requirements, stressed bilingual objectives, and pitched reading and math achievement scores at the State-identified absolute minimum acceptable level. Planning for the negotiations was especially difficult. The teachers were unrelenting in their skepticism. None of the so-called "improvement" projects that they had endured had ever made a difference. They refused to come to any meetings for which they were not paid. When the State delivered only 70 percent of the amount promised for

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*Every incident described in these cases is grounded in fact although not all in the same school. DM.

the lump sum budget in the first year, everyone felt confirmed that this was the same old garbage.

But in that year, the principal and some of the teachers began to change. Some of the senior faculty were tired of rationalizing failure and pressed the principal to change a losing game. The principal had originally thought of conditional deregulation only as relief from paperwork; teachers' questions about the practical matters of bilingual instruction turned out to be surprisingly hard to answer. Eventually she--and the teachers--found some helpful people from a UFT-sponsored Teacher Center and from the State and City's newly decentralized offices.

But by the time the school began to turn around (teacher attitudes, some new practices, a more focused curriculum, etc.), 20 of the 24 months of conditional deregulation's initial term had passed. In the end, the school fell short of its targets and was placed on probation. The school's continuation and the principal's continuation as principal of the building were in jeopardy. But to her own and everyone else's surprise, she moved into the probationary year without hesitation because she had become far more confident in her school's prospects for improvement.

HOMER GOSSENS ELEMENTARY

Gossens works. The principal is a gentle dynamo who pushes teachers as hard as he protects and praises them. The union chapter chair and the principal have a strong relationship. Both regard the outside world with bemused indifference. Chancellors come and go. Contracts change. Albany is somewhere up-state. Creative people can survive any audit, any inspection. The real questions for the school are: Can we get enough colored construction

paper? If there is trouble with a parent, will that teacher be supported? How will we get the piano tuned (or more difficult, moved)? Who gets to teach the gifted, IGC sections? And, can we talk to each other and keep this an amicable and successful place?

Scores at Gossens are not a problem except that a group of teachers work hard on children's writing and want some recognition for that. The teachers gave the principal a good-natured challenge to do "the new thing" and the principal said he would if the union would join in. The chapter chair wants to be borough rep; the principal thinks he is two years away from a superintendency. They knew the community superintendent would help them get reasonable, achievable performance targets. The contract had never been a problem in their building. Relief from some regulations, budget discretion, and even more help would be welcome bonuses.

The State negotiators took one look at Gossens and figured they had found an "excellence" showcase. They pushed the school to up its performance across the board while encouraging new measures like creative writing. The school got student portfolios accepted as the one part of their performance targets and both the principal and the union leader signed the agreement. After a period of creative apprehension, Gossens ended up hitting or exceeding its required and optional targets.

MURRAIN JUNIOR HIGH SCHOOL

Murrain looks like a fort and it is. The staff has a siege mentality. Teachers volunteer that they used to care but point at crumbling paint, ignorant (literally) administrators, a pathological neighborhood, and a venal school board. Their response is to be more "realistic" about the

school and to spend most of their efforts trying to control the 1100 adolescents who come there. The school is broken into "patrol zones" and the security guards, reinforced by teachers, use walkie-talkies to pass students from one sector to another.

No one was surprised when the school showed up on the State's CAR list or when the State waived enforcement of its standards. Everyone has long since retreated from education--the teachers into controlling students, the administrators into paperwork, and the kids onto the street.

The principal relates with the teachers through a treaty of mutual non-aggression supplemented by being nice (everyone agrees he is a "nice guy"). There is no articulation among grades, no coordination of people teaching the same subject matter. Curriculum is whatever the teachers want to keep doing. When asked, the principal says he believes in "teachers being professionals. They're closest to the kids and should decide."

The principal was told he had at least "to go through the motions" about conditional deregulation. No one showed up at the school's pre-negotiation planning meeting. The three AP's have done only what they were asked to do. The principal never intended to sign a conditional deregulation agreement, but a parents group got two board members interested and the superintendent and the board pressured him to sign.

Before the conditional deregulation period had begun, the principal had started a file recording other people's failures to deliver. The extra administrators got assigned to helping with paper work. The AP for Supervision gave a consulting contract to professors at a local college (where he was a degree candidate in educational administration) to provide "in-service workshops" for Murrain's faculty. The principal felt manipulated by the

whole thing, the other administrators were hoping he would be removed so that one of them might move up, and the teachers had someone else to blame. The parents were resigned to the whole situation because none of them imagined it could be different.

In the second year, a new majority gained control of the community school board and brought in a new superintendent. Neither the State nor the City could help Murrain because no one there was willing to sponsor or support their assistance. Some "projects" were provided but the school rejected them as it had everything else.

When the State put the school on probation, the principal, nice guy or not, sent a carton of documents about other people's failings (the teachers union, the AP's, the Board, the Community Superintendent's Office, the State Department) to his own union whose lawyers are fighting to enjoin the State from removing him. Meanwhile, nothing has changed and no one at Murrain JHS believes that the City or the State can or will do anything for the school.

VERDI HIGH SCHOOL

Verdi is nothing if not complicated. The place is enormous with wings and annexes and program offices and subunits that are only loosely connected to the central office and the principal. The payroll is 200-plus and the budget is over $4 million. The school gets a $300,000 state dropout allocation (AI/DP) but the principal got his wrists slapped because postage to cover a newsletter mailing to parents was not an allowable charge against those funds. Moreover, when he tried to raise money for student activities by selling pretzels (he knew enough not to sell candy), someone found prohibitions against (a) salted snacks and (b) food sales that

compete with the cafeteria. Rather than trash $1000 worth of pretzels (bought from the mere $5,000 discretionary total that he can control), he and some teachers spent a weekend knocking the salt off the pretzels.

In his 30 years in "The System," the principal has seen everything, believes nothing, and still remains hopeful. Most of the staff are the same way. Some people volunteer to run a baseball program on their own time. Everyone buys supplies out of their own pocket. In violation of their contract, the custodians regularly use paint brushes wider than 3-1/4 inches. The administrators and most of the teachers are scroungers, fixers, and doers. Somehow the place functions although everyone professes to recall Verdi's "glory days" when (they believe) everyone graduated and everyone went to college.

When conditional deregulation came along, the borough superintendent for high schools told her principals that this was as good as it was going to get. If they didn't seize this chance for autonomy, the next reform would tighten the (central) screws even more. Verdi's principal liked what was offered and thought that the prospect of being removed or having the building re-organized was no big change from the pressure cooker in which he had spent his career. Besides, on principle, he had no difficulty becoming more accountable: it was just "the politics" of it that worried him.

Getting Verdi's constituencies on board was very difficult. The occupational education people, the health group, the special educators, the bilingual teachers--anyone paid from categorical program--became suddenly nervous about the discretion that the principal might gain with lump sum budgets and flexible compliance. The union leadership was supportive but 75 percent of the membership would not agree to waive the contract.

To gain some time to find allies and build a team, the principal stalled the negotiations. Eventually he broke them off. During the next year in the conventional mode, the faculty found themselves chafing at rules they had taken for granted. They had always thought of Verdi as an oasis of sanity in the Marx Brothers atmosphere of New York's bureaucracy: now they began to speculate about some very different possibilities. Could they really set their own goals? Determine their own budgets? Maybe the school would continue to need specialists and maybe those specialists could decide for themselves how they would do their work? The union leadership also continued to work on their members. In their own meetings, they argued that empowerment had some concomitant obligations and that if they were serious about being professionals, they should seize the chance to take part in running the school--consequences or not. The dynamics were eased by the specter of the State's "Big Stick." Both the administrators and the union leaders used the prospect of outside intervention to coalesce the faculty around the need for improvement.

A year after the initial negotiations broke down, the school opted into conditional deregulation and is now struggling to make the other bureaucracies keep their bargains as they try to keep theirs.

SUMMARY OF THE HYPOTHETICALS

The cases illustrate only a few of the many patterns that would emerge with conditional deregulation. A few generalizations can be made about the prospective outcomes.

(1) Most of the improvement will come from a large group of professional and dedicated educators who will find ways to make this work. The biggest gains will be the easiest.

(2) Inventing this future--and doing it in an atmosphere of trust (or even of suspended skepticism)--will be very daunting. One measure of how comfortable the existing bureaucracy has become for its employees is how fiercely it will be defended.

(3) The proportion of failure will be surprisingly small. Not more than a handful of the schools operating in conditional deregulation will miss their initial targets. That is encouraging. But it will also demand courage to deal with the group that falls short. While most improvement will come from deregulation, the sanctions will have to be applied in some schools in the conventional mode and in conditional deregulation.

VII. TWENTY QUESTIONS ABOUT CONDITIONAL DEREGULATION

(1) Why would anyone give up tenure?

No one is being asked to give up tenure. What could be lost is the privilege of leading a particular school building but only after demonstrated failure to provide leadership. And, whether or not a principal is removed would depend on the circumstances of that building. Where the principal has struggled sincerely against impossible obstacles, local authorities may well retain that principal while requiring that the school itself be reorganized. Community superintendents are responsible for periodic evaluations of principals and it is the community school board that hires and promotes

elementary and junior high school principals. The involvement of both parties guarantees an understanding of each principal's circumstances.

(2) What is in this for principals?

The materialistic assumption that principals will have to be paid more to take part in conditional deregulation is contradicted by the abundant empirical evidence that while career decisions (e.g., to enter or leave education) are related to money, professional decisions (what quality of work to do) are intrinsically motivated. We believe that there is a large group of administrators--and teachers--who will welcome this reconnection to what attracted them to education in the first place--a professional shot at helping students grow.

(3) If deregulation is such a good idea, why not give it to all schools right now? Why should only some schools have the freedom they need?

We believe strongly in the need to balance freedom and accountability. Deregulation must not become simply "hands off," "do your own thing." Our recommendations couple deregulation with simultaneously putting in place the accountability mechanisms of (a) possible new leadership and (b) possible school-wide reorganization. Just as we cannot expect accountability without deregulation, there should be no deregulation without accountability.

We also recognize that some schools function effectively under the current system (the conventional mode). All schools should have a choice about how they wish to proceed rather than again assuming that the same processes will work for all.

(4) How big a lump will be in the principal's discretionary budget?

The State now accounts for about 46¢ of each dollar spent in the City's schools. A lump sum budget of one or two cents per dollar would be

more flexibility than now exists but not enough to support creative and significant initiatives. As a general guideline, the Committee recommends that a minimum of 5 percent of the school's budget (perhaps from both City and State sources) be available.

Getting no-strings money delivered intact (i.e., no skimming) to schools will not be easy. Only the City is an eligible recipient of State funds and that puts disbursement decisions in the hands of the Central Board. However, some State programs already allow community districts to apply for support and that precedent should be expanded.

Finally, one characteristic of categorical money is that it is targeted by use of eligibility criteria. The same SED hand that writes those criteria can re-write them. We are encouraged that the $7 million "Youth at Risk" program and the $33 million AI/DP, dropout prevention program are allocated according to proposals and review criteria that could be tilted to support conditional deregulation.

(5) How much deregulation will there be?

Some regulations will need to be preserved either because they guarantee important objectives that would not otherwise be served or because they come from superordinate agencies (e.g., Federal special education). The existing process of granting variances provides both precedent and experience for conditional deregulation.

The biggest block of rules is in the "Part 100" regulations where variances are feasible. Other areas will need to be determined on a case by case basis. It is important to remember that conditional deregulation will enhance achievement of previously regulated, mandated goals. What is

being deregulated is the process for achieving those goals and those are decisions that are best made locally. Goal achievement remains guaranteed by the target negotiation and school certification processes.

The exact answer to the questions--how big a discretionary budget and how much flexible compliance--will depend on the Regents and the Commissioner and their willingness to pursue conditional deregulation with the State Department, the Legislature and the City's schools' Chancellor.

(6) Why center accountability on principals but not on teachers?

Performance targets, negotiations, and certification reviews are feasible for 1000 schools. Putting that system into 40,000 classrooms is logistically impossible. Accountability is inherent in management. All principals volunteered for the job because they wanted it; they were trained and licensed for it; and they are paid to discharge it. Certainly, no one else but the school principal is legally responsible for the entire school.

We recognize that many teachers want to participate in curriculum decisions and school governance. Those opportunities are built into every phase of conditional deregulation, we think teacher participation is key, and we welcome teachers and their representatives joining administrators in linking their continued work in the school to student outcomes. The second remedy, school reorganization, also extends accountability to teachers.

(7) Are the City's principals and teachers ready for this? What about parents and school boards?

Conditional deregulation asks a lot from people who have been reconciled to a hierarchical, top down bureaucracy. Some are more ready than others to make conditional deregulation work. In a similar circumstances, Thomas

Jefferson said:

> If we think the people inadequate to redeem the trust placed in them, the answer is not to remove their discretion but to inform it.

Training will be needed and there are lots of ways to do that. The UFT sponsors conflict resolution and leadership workshops, the City now has a network of principal's centers. The State Department of Education, Board offices, universities, foundations, and professional associations are all sources of relevant capacity building.

Of course, those resources have always been there and in the past, only the most motivated have made any use of them. Since nothing happened to people who did not perform, the improvement resources were used mainly by those who needed them the least. The result of any volunteer improvement system is to help the good get better and to leave the source of policy problems untouched. The condition of public schooling in New York testifies to the insufficiency of only volunteer strategies and only rhetorical accountability. Conditional deregulation makes the continuation of either the school's leadership or the school itself contingent on better performance. We believe that that prospect will make a difference in a small number of schools although far more schools will have responded to the simple opportunity to be freer and more successful.

(8) <u>What happens to principals who have been removed? Isn't it wasteful to continue to employ them?</u>

The current system of selecting building principals--experience, paper credentials plus a three-year try-out--needs to work perfectly since those who pass through it are then awarded lifetime posts (and since so few are ever removed). But we doubt a personnel system that keeps virtually everyone in place--without regard to performance and forever. The current system

ignores the fact that both people and organizations change. "Once the P.S. 56 principal, always the P.S. 56 principal" is unfair to everyone. Conditional deregulation insures that students and buildings who need new leadership will get it.

There are useful ways to employ the experience of people who have served as principals, for example, they could become curriculum specialists, supervisors, or program administrators. Some of the former leaders may seek circumstances that better fit their talents. Some might move from elementary schools to high schools, or vice versa. Others may retire early. Eventually, we would like to see legislation to institute a "permanent rank" system similar to the military's where incumbents could never fall below their permanent rank (e.g., assistant principal) although during acceptable service they would have the rank, pay, and privileges of principals.

(9) How high would the targets be? What keeps a school from setting trivial goals?

There are two kinds of possible targets, State-initiated basic skills goals and locally supplied goals dealing with other student achievement areas and organizational factors. The mix of targets and the levels of performance would depend on the implementation mode selected and can be different for each school. Given the uniqueness of schools, that is as it should be.

In the basic skills area, the State would already have reviewed each school's past performance and estimated what sort of improvement seems reasonable for each school. The other goals would have initially been developed by the principal working with the whole school including teachers, reviewed and approved by the community superintendent, the local board and community groups, and the State. Systems of democratic government make goal setting a public obligation and goal achievement a professional responsibility.

The dialogue among parents, teachers, administrators, and other officials should yield goals that are high but attainable and owned by and relevant to each school.

(10) How does this deal with the worst schools in the City and what about the best?

The performance targets, certification review, and consequences apply to all schools. Conditional deregulation would be available to schools that chose to achieve their targets in that mode but all schools would be challenged to better performance. For schools already at the top on test scores, smaller increments, and other measures would be appropriate. For schools at the bottom of the performance list, this replaces top-down mandates, diminished discretion, and public censure with a chance to effect one's own fate plus additional assistance.

Because the accountability features apply to all, we expect a large number of New York's public schools will explore conditional deregulation, at least through the negotiations stage. School based conversations about needed resources and shared goals are a wholesome enterprise.

(11) What about high schools and special education?

Both would be included with appropriate attention to their unique missions, resources, and needs.

(12) Why hasn't the Committee recommended any of the good practices that have been developed--for example, cooperative learning, or peer coaching, or early childhood education, or parent education?

We agree that such strong practices exist and want to see them used. But nothing works for everyone or lasts forever. In the conventional mode, the State or City typically staff an office that sends out brochures and gives workshops. Sometimes pilot programs are funded on a trial basis

somewhere. Or, worse yet, practices get mandated. We think that the setting of goals should be a shared responsibility, the adoption (and adaptation) of practices should be a local responsibility, and applying the rewards or sanctions that follow goal achievement should be a City and State responsibility.

If the coupling of goals to consequences encourages schools to hunt actively for better practices, so much the better.

(13) What if aspects of, say, bilingual instruction are included in flexible compliance and two years later it is discovered that the school spent bilingual categorical aid on something else?

What happens now? At best, the current system is able only to document that bilingual funds hired employees with particular backgrounds who reported being at work during hours that are assumed to be devoted to bilingual concerns. That says nothing about outcomes for children who deserve effective instruction. Conditional deregulation is an outcome-based system because it holds people publicly responsible for achieving agreed upon and measurable goals.

With conditional deregulation, performance targets can be selected to reflect the concerns of the various parties--a high school could have specific goals in student retention (dropouts), one elementary school could emphasize science performance, and another special education mainstreaming. All schools, however, would have performance targets in the basic skills initially set by the State. Second, conditionally deregulated schools would not be free to ignore legal prescriptions. Some interim reporting would be required. Third, if performance targets were not met, the State and City would see to it that new leadership was put in place or that the school was reorganized. Consistent with his responsibilities for the City's schools, the City's schools chancellor would have a continuing role in assuring school performance during the two-year period of conditional deregulation.

(14) Categorical programs were established to guarantee attention to high priority problem areas. How can that attention be insured?

The Committee endorses the purposes of those categorical programs but believes that the current system is not effective. The priorities can be reflected in conditional deregulation but during the initial implementation period, public officials will not be able to answer questions about particular issues with the same illusory certainty that they can now. The only thing more risky than freedom is anarchy. Distrust is an obstacle to improvement. Everyone* will need to trust the City's school administrators and they will need to trust in the prospect that they--along with others--can make their schools better. If that trust has been misplaced, the data will disclose it and the school certification process will correct it. We believe that school leaders deserve the chance to lead and the public deserves enforceable accountability for the results. The current arrangements provide neither.

(15) What about all the people who now do auditing and monitoring?

Neither the State nor City can deregulate Federal programs (although the Federal government has moved in a similar direction with block grants and single audits). Some monitoring will continue as before but the important thing is to change a failed system.

(16) Chancellor Green deserves support. How does this help him?

Richard Green is committed to a smaller central bureaucracy, more autonomy and more accountability at the building level, and the ability to transfer principals among assignments. Condi onal deregulation gives him

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*The list of people who will need to trust New York's principals is long--legislators, the SED, New York's Board of Education, Community Board's, the Chancellor, the teachers union, the advocacy groups, etc., etc., etc., The depth of the public's skepticism is measured in the number of curriculum mandates and categorical budgets.

those things plus feasible goals and flexible compliance. It backs his initiatives with complementary State action.

(17) What does conditional deregulation do to 110 Livingston Street?

Where principals know they will be held strictly to account for particular outcomes, some will become avid consumers of resources they now resist. Thus, the demand for some Central services will increase sharply. Other parts of the bureaucracy may have to find new ways to justify their continued employment, including working at the school building level.

(18) What role is there for parents?

Parent involvement would be continued in all the forms that now exist. In addition, parents should participate in selecting performance targets. At the end of conditional deregulation, parents and other members of the public will have a clear accounting of their school's performance. One effect of custom, school-by-school performance targets followed by a certification review is to make this process virtually self-evaluating with clear public results.

(19) Where else is this being done?

Aspects of conditional deregulation have been proposed in some places but New York State would be the first to so rebalance freedom and responsibility in school leadership. Strong, accountable leadership is a feature of successful schools. Our recommendations are built on an understanding of the components, of successful urban schools. We do not need more documentation of what leaders can do, we need more principals who go beyond presiding over their schools to leading them and we need to support their initiative.

(20) Isn't this a drastic change? Why not try out conditional deregulation in one or two places or with one state program?

How big do you think New York City's school problems are? Big problems do not yield to faint-hearted efforts. With regard to innovations, the City already has one of everything. The system is littered with experiments placed somewhere to appease someone and pilot projects no one believed in. Isolated experiments are discounted by the other schools, and they do not attract enough resources (discretionary budgets, flexible compliance, etc.) to succeed. If the experiment succeeds, people deny its validity and/or applicability to them; if it fails, everyone knew it would. Either way, the system is left comfortably with business as usual.

VIII. CONCLUSION

New York City can provide its children the quality of schools which they and the future of the City deserve. To support that, the State should provide more financial assistance and re-configured, more powerful capacity-building help. Further, we believe that the State's obligation to set and enforce standards requires that it express an interest in the quality of school leadership. Our strongest recommendation is that those components be implemented as a whole--stronger technical assistance, and the more autonomous, more accountable school leadership entailed in conditional deregulation. Together those components can move New York: done partially or in isolation, they will not.

The Committee's recommendations about conditional deregulation grow out of several convictions. School administrators are distracted from instructional leadership by mandates and are unfairly constrained by rules

and regulations. The current school building tenure arrangements for principals deprive the Chancellor of needed management flexibility and the public of the results-oriented accountability it should expect. Without more powerful public schools, we face a future that is less just, more grim and more hostile. Finally, the Committee recommends the Regents adoption of conditional deregulation because a freer and more accountable school leadership becomes them as professionals and us as a public.

Appendix A

PERFORMANCE TARGETS

State responsibility and local control are often praised but difficult to reconcile. We recommend that the State be responsible for articulating overall performance targets especially in the basic skills areas for all schools. Those would then be supplemented with additional student and school measures that can be determined at the school building and/or community district levels.

Schools participating in conditional deregulation would operate with goals from two sources:

(State initiated)	(locally determined)	(locally determined)
STUDENT PROGRESS MEASURES: BASIC SKILLS	OTHER STUDENT PROGRESS MEASURES	SCHOOL PROGRESS MEASURES

Basing negotiations on the areas represented by those three columns honors the diversity of schools, encourages all schools to go beyond basic skills, and includes qualitative, organizational measures. The appropriate mix would be determined by each school community in consultation with the parents, principal, the school staff, the community superintendent, community board, and others.

The three-column device (see Figure 5) might be refined with a point system that would require that a minimum proportion of the school's total be earned, for example, in basic skills. However the total is composed, schools that fell short after two years would be on probation for a third and final year.

The Responsibility of the State Education Department

The amounts to be gained in the student achievement/basic skills areas would be determined by the SED on a school-by-school basis. Schools already near the top would be expected to increase their performance only a little. (NB: Four of the City's 616 elementary schoools have 95 percent of their students at or above grade level achievement in reading. See: New York City Board of Education, Office of Student Assessment, "Ranking of Schools by Reading Achievement 1987," page 8.) In the far more common case of more modest achievement, the performance targets would be more substantial and might parallel the Chancellor's current guideline that all schools below the State standards must make up one-half their deficits in three years.

State tests are already available at grades 3, 6, 8, 9, and 12. State 'reference points' exist for reading and mathematics. Moreover, the Decentralization Law requires that "each school shall be ranked in order of the percentage of pupils reading at or above grade level."

The State would determine the two-year performance targets by examining the current outcomes of each school. Those performance targets would be communicated to all schools, some of which would then elect to proceed in the conditional deregulation mode while others would remain in the conventional mode. The basic assumption is that everyone can do better and some can do a lot better.

Participation of the City, Community Districts, and Schools

New York is as diverse as it is big. Bayside is not Bed-Stuy. Elementary schools are different from middle schools. A vocational high

school has different clientele, methods, and goals than a neighborhood comprehensive high school. Some schools will want to stress the primacy of organizational, adult measures now in order later to be able to boost their students' performance. That diversity should be honored and all schools should be encouraged to identify and be accountable for their own unique goals.

Teachers, community boards, parents, and community groups should participate in identifying targets and their emphases.

The performance target approach:

...recognizes differences and promotes diversity;

...ensures attention to overarching State and City purposes;

...encourages school site ownership and responsibility;

...preserves the school's autonomy in determining how to achieve its targets;

...focuses the greatest expectations for improvement on the neediest schools;

...encourages all schools to go beyond the basic skills; and

...is enforceable.

Figure 5

A Selection of Performance Targets*

(SED estimates of school increments based on current school outcomes)

STUDENT PROGRESS MEASURES/ BASIC SKILLS

Language Assessment Battery (LAB)
English, Native Language
Gr. K-12
Brigance Test Gr. K-1
Structure of the Intellect Gr. K-1

Pupil Evaluation Program Tests (PEP)
Gr. 3-10 Degrees of Reading Power (DRP)
Gr. 2-8 Metropolitan Achievement Test in Mathematics (MAT-6)
Gr. 5 Writing Test for N.Y. State

Preliminary Competency Tests (PCT)
Gr. 8/9 DRP-Form D
Gr. 8/9 Test in Writing-Form E

School-wide Reading/Math Progress
Fixed Standards
Pool of test-takers
Student mobility
Entry performance level
Focus on the lowest performance level

(Provided by school and/or district)

OTHER STUDENT PROGRESS MEASURES

Student Portfolios
Demonstration of higher order thinking skills
Demonstrative of creative work, self-directedness
Awards, honors
Independent or small group research projects
Advanced Placement Courses
Special projects for the Regents Diploma

Extra-Curricular Participation
Math, Science, Chess, Computer Clubs, etc.
Literature, Poetry, Great Books, Newspaper, Yearbook, and Debating
Music, Art, Dance, and Drama

(Provided by school and/or district)

SCHOOL PROGRESS MEASURES

School attendance rates

Number of referrals to Special Ed.

Change in student mobility rate

*The listings are for illustration only. Performance targets, especially in the basic skills area, would be premised on a limited number of indicators.

Figure 5 (continued)

STUDENT PROGRESS MEASURES/ BASIC SKILLS

N.Y. State Program Evaluation Tests
- Gr. 6 & 8 Social Studies
- Gr. 4 & 9 Science

Acceleration Exams (Gr. 8)
- Regents Mathematics
- English
- Regents Earth Science
- Social Studies
- Second Languages
- Talent Music
- Talent Art
- Occupational Education Subjects

Test for Admission to Screened High School Performance Programs Gr. 8-9

Regents Competency Tests (RCT)

Gr. 11 & 12	Writing
Gr. 9-12	Mathematics
Gr. 11 & 12	Reading
Gr. 11	American History
Gr. 9	Science
Gr. 10	Global Studies

OTHER STUDENT PROGRESS MEASURES

Athletic participation
Student government
AFS - international student clubs
Olympics of the mind competitions

Community Service
- Apprenticeships
- Volunteer service
- Working with other city agencies
- Tutoring
- Assisting the elderly, the very young, the physically or mentally handicapped

Moral Development

Technical Literacy

SCHOOL PROGRESS MEASURES

Parent attitudes toward the school
Student promotion rate
Retention to graduation
Credit accumulation towards a high school diploma
Percent of Regents-endorsed high school diplomas
Percent of local high school diplomas
Percent of dropouts earning a GED
Percent of graduates getting a post secondary education
Percent of graduates attending a vocational school
Reduction in number of unwanted pregnancies
Percent of substance abusers
Percent of students referred for psychological problems
Leadership Behavior Description Questionnaire
Carter-Steinhoff Inventory of Workplace Climate Factors
Organizational Climate Description Questionnaire
Coordination with other youth-serving agencies
Nutrition programs
School-business partnerships

Figure 5 (continued)

STUDENT PROGRESS MEASURES/ BASIC SKILLS

Regents Examinations (Gr. 9-12)
- Business Subjects
  - Bookkeeping-accounting
  - Business law
  - Business mathematics
- English
- Foreign Language
  - French
  - German
  - Hebrew
  - Italian
  - Latin
  - Spanish
- Mathematics
  - Ninth year mathematics
  - Tenth year mathematics
  - Eleventh year mathematics
  - Sequential math, course I
  - Sequential math, course II
  - Sequential math, course III
- Science
  - Biology
  - Chemistry
  - Earth science
  - Physics
- Social Studies
  - Global studies
  - American history and government
  - Participation in government
  - Economics

OTHER STUDENT PROGRESS MEASURES

SCHOOL PROGRESS MEASURES

Level of Teacher Professionalism
- Collegiality
- Teacher participation
- Teacher-parent conferences
- Staff attendance
- Staff transfers
- Teacher recognition/awards

School Organization
- Flexible class size, cross-grade grouping, scheduling according to instructional purposes, etc.

School Facility Improvements
- Reduction in vandalism rate
- Increased security
- Building conditions/aesthetics
- Building utilization rate

Competitive grants secured

Awards for excellence

Appendix B

THE PROCESS OF IMPLEMENTING CONDITIONAL DEREGULATION

STATE	CITY	COMMUNITY DISTRICTS AND SCHOOLS
(1) Based on review of current achievement, State identifies and disseminates preliminary academic performance targets for all NYC schools	(1) City districts and schools identify additional performance indicators for students and schools	
(2) State assembles block grant budget authority for use at building level	(2) Parallel changes to "Financial and Business Management SOPs"	(1) *Districts and schools develop preliminary plans: (A) goals; (B) performance targets; and (C) needed resources.
(3) State redesigns requirements of mandates and regulations to permit flexible compliance	(3) Parallel changes to "Minimum Teaching Essentials," etc.	
(4) State identifies positions to be decentralized to New York City SED offices	(4) City identifies positions to be decentralized to buildings in conditional deregulation	
(5) Negotiations with each of 32 districts plus high schools by borough		(2) *Community school boards, community superintendents and borough high school superintendents conduct pre-negotiations with schools. District and school involves parents and other groups.

*Applies only to those schools choosing to participate in conditional deregulation.

STATE	CITY	COMMUNITY DISTRICTS AND SCHOOLS
		(3) *Each community superintendent and borough high school superintendent brings to negotiations with the State packages from any building electing to participate in conditional deregulation.
(6) State agrees to (A) performance targets (B) regulations to be included in flexible compliance (C) amount and sources of money for block grant (D) positions to be assigned	(5) City parallels State as necessary	(4) *District and school arrange contract waiver. Agree to 1A-C (performance targets, etc.) (5) *School leader recesses tenure rights in building during period of conditional deregulation
(7) Schools in conventional mode reviewed with respect to certification or other actions on annual basis		

Implementation Period - 2 years
Conventional Mode: Auditing, technical assistance, reporting
Conditional Deregulation: Interim, end-use reporting

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*Applies only to those schools choosing to participate in conditional deregulation.

(8) All schools reviewed for certification against performance targets earlier agreed upon.

Certified
Results made public.
new targets established.
School elects how to proceed.

Probation
Implementation period extended by one year.
Results made public. Available resources reviewed with school.
Principal notified that continuation is in question.

Reorganized
New leadership selected. Results made public.

--NEW CYCLE BEGINS--

APPENDIX C: GROUPS CONSULTED

Advocates for Children
Asian-American Legal Defense Education Fund
Aspira
Board of Education of the City of New York
Center for Public Advocacy Research
Chancellor's Commission on Minimum Standards
Community Service Society
Community Superintendents Association
Council of Supervisory Associations
Education Priorities Panel
Elementary Principals Association
High School Principals Association
Interface
Junior High/Middle School Principals Association
National Association of Black School Educators, New York City Chapter
New Jersey State Department of Education, Urban Initiatives Task Force
New York Alliance for the Public Schools
New York City Board of Education
- Office of the Chancellor
- Office of Labor Relations
- Office of Supervisory Staffing
- Office of Human Resource Systems

New York City Partnership
New York Community School Boards Association
New York Urban Coalition
Public Education Association
Puerto Rican Educators Association
United Federation of Teachers

NB: No endorsement should be implied from this listing. The Committee discussed its ideas and sought counsel from individual representatives at various stages in the development of this report. While we are grateful for the consideration each group provided, this report is the Committee's responsibility.

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